IN THE CLAIMS

Please amend the claims as follows:

1. (original) Device for recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation,

- the recording layer comprising a pre-track pattern (14) indicating the position of the track,

  the device comprising

- a head (22) for providing the beam,
- recording means (20,28,29) for recording the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer and followed by a lead-out zone located at the end of the user data, and
- lead-out means (36) for finalizing the record carrier for playback on a reading device that cannot detect the pre-track pattern, the finalizing comprising determining if data written in the recording area extends up to a predefined physical position, and, if not, recording lead-out information, and, if the data extends at least up to the predefined position, not recording any lead-out information.

2. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for said determining using as the predefined physical position a prescribed radial position prescribed in said predefined recording format, in particular the recording format being DVD and the prescribed physical position being 35,0 mm.

3. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for said determining using as the predefined physical position a minimal radial position substantially less than a prescribed radial position prescribed in said predefined recording format, in particular the recording format being DVD and the minimal position being 29,0 mm.

4. (currently amended) Device as claimed in claim 1~~, 2 or 3~~, wherein the lead-out means (36) are arranged for said recording lead-out information starting at the end of the user data and ending at the predefined physical position.

5. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for recording dummy information as said recording lead-out information, the dummy information being formatted as user data.

6. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for recording dummy information up to the predefined physical position, the dummy information being formatted as user data, and the recording being performed in a background mode in between recording of user data..

7. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for said determining if data written in the recording area extends up to a predefined physical position by retrieving a last written address parameter from the record carrier, which last written address parameter indicates a last sector number of a contiguously recorded part of the recording area starting from the start of the recording area.

8. (original) Method of recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation,

- the recording layer comprising a pre-track pattern (14) indicating the position of the track,
  the method comprising
- recording the information in the track according to a predefined recording format for constituting a recording area

containing user data preceded by a lead-in zone located at the start of the recording layer and followed by a lead-out zone located at the end of the user data,

- finalizing the record carrier for playback on a reading device that cannot detect the pre-track pattern, the finalizing comprising determining if data written in the recording area extends up to a predefined physical position, and, if not, recording lead-out information, and, if the data extends at least up to the predefined position, not recording any lead-out information.

9. (original) Computer program product for recording information, which program is operative to cause a processor to perform the method as claimed in claim 8.